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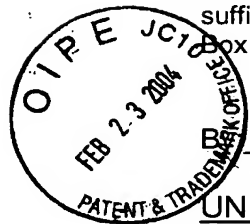
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Docket No.: TER-00P0016

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Date: February 17, 2004

UNITED STATES IN THE PATENT AND TRADEMARK OFFICE

Applic. No. : 10/715,071
Applicant : Alexander Busch et al.
Filed : November 17, 2003
Art Unit : to be assigned
Examiner : to be assigned

Docket No. : TER-00P0016
Customer No. : 24131

LETTER

Hon. Commissioner for Patents

Sir:

Enclosed please find a copy of the English translation of the International Preliminary Examination Report for the above-identified application. Please enter it into the file.

Respectfully submitted,

For Applicants

LAURENCE A. GREENBERG
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Date: February 17, 2004

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/bmb

PCT PATENT COOPERATION TREATY

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ENTAB 11.12

28 Jan. 2004

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

WALKENHORST, Andreas
Tergau & Pohl
Mögeldorf Hauptstrasse 51
90482 Nürnberg
Germany

20.1.04

Date of mailing (day/month/year)

20 January 2004 (20.01.04)

Applicant's or agent's file reference

00P0016P-6/28-45

International application No.

PCT/EP02/05217

International filing date (day/month/year)

13 May 2002 (13.05.02)

Applicant

FRAMATOME ANP GMBH et al

IMPORTANT NOTIFICATION

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA,CN,JP,KP,KR,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP,EA,EP,AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CH,CO,CR,CU,CZ,DE,DK,DM,DZ,EC,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,OM,PH,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TN,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZM,ZW,OA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.75

Authorized officer

A. ZOLTANSKI (Fax : 338 89 75)

Telephone No. (41-22) 338 8608

Translation**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 00P0016P-6/26	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/005217	International filing date (day/month/year) 13 May 2002 (13.05.2002)	Priority date (day/month/year) 17 May 2001 (17.05.2001)
International Patent Classification (IPC) or national classification and IPC G01B 7/06		
Applicant FRAMATOME ANP GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 November 2002 (21.11.2002)	Date of completion of this report 02 September 2003 (02.09.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/005217

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-13 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-8 _____, filed with the letter of _____ 18 July 2003 (18.07.2003)
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under Item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 8	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 8	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-5 124 641

D3: US-A-4 722 142.

2. The present application meets the requirements of PCT Article 33(2) since the subject matter of independent Claim 1, insofar as it can be understood, is novel.

2.1. Regarding Claim 1, D1 discloses

a fuel rod testing unit comprising a measuring device with a probe arm (Figure 4) disposed on a supporting body (26) which supports a measuring head (13, 14, 16, 20, 20a) having a probe tip (20) disposed on a probe housing (28), said measuring head being located on a free, laterally deflectable end (28) and a layer thickness measuring probe (13) being integrated into the probe housing.

Claim 1 differs therefrom in that there is a number of such measuring devices, a supporting body common to the measuring devices being mounted on a number

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of guide rollers that can be displaced along a fuel rod.

2.2. Claim 1 is therefore novel.

2.3. The dependent claims are therefore likewise novel.

3. The present application meets the requirements of PCT Article 33(3) since the subject matter of independent Claim 1 is inventive.

3.1. The problem to be solved can be seen as that of producing a more effective and efficient fuel rod testing unit.

This problem is solved by the additional aforementioned features in Claim 1, that is to say a number of measuring devices, wherein a supporting body common to the measuring devices is mounted on a number of guide rollers that can be displaced along a fuel rod. The problem is solved in an inventive manner since the features are not indicated in the cited prior art. Although D3 relates to an arrangement for testing the coating on the inner wall of a metal tube using a number of measuring devices on a common supporting body mounted on a number of guide rollers, a person skilled in the art would not be induced to combine the teaching of that document with D1.

3.2. Claim 1 is therefore inventive.

3.3. The dependent claims are therefore likewise inventive.

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4. All the claims appear to be industrially applicable.

.AS QRECE

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